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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,890	09/07/2004	Tsutomu Matsubara	1163-051SPUS1	6698
2292 7590 06/23/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER VO, HUYEN X				
ART UNIT 2626		PAPER NUMBER		
NOTIFICATION DATE 06/23/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/506,890

**Applicant(s)**

MATSUBARA ET AL.

**Examiner**

HUYEN X. VO

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection in view of Catallo et al. (US 5867817) and Ryuji (JP Publication No. 11-126092), necessitated by claim amendment.
2. In response to applicant's arguments, the recitation "vehicle mounted control" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 9-10, 12, 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catallo et al. (US 5867817) in view of Ryuji (JP Publication No. 11-126092, from IDS).

5. Regarding 9, Catallo et al. disclose a vehicle mounted control apparatus comprising:

a determination section to determine whether input signal is a signal to select executing an operation guidance mode or a signal to select executing a processing of command execution model (*elements 206 and 210 in figure 10A determines whether the input is a command for application or a help command*);

a voice command receiver that receives a voice command input if the determination section executes the command execution mode (*element 208 receives command in figure 10A*);

a voice recognition section for recognizing a voice command input by an voice input device (*speech recognition in system of figure 10A*);

a control section that informs the user of unrecognized input (*elements 228-230 in figure 10A*); and

a command execution section that executes the voice command when the voice command is recognized by the voice recognition section (*element 208 in figure 10A*).

Catallo et al. fail to specifically disclose a control section that analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition section and gives a notice on result of the analysis.

However, Ryuji teaches a control section that analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition section and gives a notice on result of the analysis (*abstract section*).

Since Catallo et al. and Ryuji are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Catallo et al. by incorporating the teaching of Ryuji in order to alert the user of the possible source that causes misrecognition or un-recognition of the input so that action can be taken improve speech recognition accuracy.

6. Regarding claim 10, Catallo et al. further disclose the vehicle mounted control apparatus as claimed in claim 9, wherein said notice is performed by a change of display format on a display device (*col. 12, lines 20-30*).

7. Regarding claim 12, Catallo et al. fail to specifically the vehicle mounted control apparatus as claimed in claim 10, wherein the display format is a display format of an icon displayed on the screen. However, Alshawi et al. further teach that the display format is a display format of an icon displayed on the screen (*col. 5, lines 14-22*).

Since the modified Catallo et al. and Alshawi et al. are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Catallo et al. by incorporating the

teaching of Alshawi et al. in order to provide good visual indication of un-recognition of the input speech.

8. Regarding claim 16, Catallo et al. disclose a vehicle mounted control apparatus comprising:

a determination section to determine whether input signal is a signal to select executing an operation guidance mode or a signal to select executing a processing of command execution mode (*elements 206 and 210 in figure 10A determines whether the input is a command for application or a help command*);

a voice command receiver that receives a voice command input if the determination section executes the command execution mode (*element 208 receives command in figure 10A*); and

a voice recognition section for recognizing a voice command input by a voice input device (*speech recognition in system of figure 10A*).

Catallo et al. fail to specifically disclose a control section that analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition section and gives a notice on result of the analysis, wherein the control section provided with a sample of the voice command to be input. However, Ryuji teaches a control section that analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition section (*abstract section*), wherein the control section provided with a sample of the voice command to

be input (*abstract section; the control unit analyzes the input speech to determine the cause of un-recognition*).

Since Catallo et al. and Ryuji are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Catallo et al. by incorporating the teaching of Ryuji in order to alert the user of the possible source that causes misrecognition or un-recognition of the input so that action can be taken improve speech recognition accuracy.

9. Regarding claim 17, Catallo et al. further disclose the vehicle mounted control apparatus as claimed in claim 16, wherein the sample of the voice command is provided by displaying on the screen of a display device (*col. 5, lines 14-22 and/or element 212 in figure 10A*).

10. Regarding claims 18 and 20, Catallo et al. further disclose an operation guide that displays a menu providing guidance on operation and guidance on selected operation if the determination section executes the operation guidance mode (*element 212 in figure 10A*).

11. Claims 11, 13-15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catallo et al. (US 5867817) in view of Ryuji (JP Publication No. 11-126092, from IDS), and further in view of Alshawi et al. (US 5956668).

12. Regarding claim 11, Catallo et al. (Currently amended) A vehicle mounted control apparatus comprising:

a determination section to determine whether input signal is a signal to select executing an operation guidance mode or a signal to select executing a processing of command execution model (*elements 206 and 210 in figure 10A determines whether the input is a command for application or a help command*);

a voice command receiver that receives a voice command input if the determination section executes the command execution mode (*element 208 receives command in figure 10A*);

a voice recognition section for recognizing a voice command input by an voice input device (*speech recognition in system of figure 10A*);

a command execution section that executes the voice command when the voice command is recognized by the voice recognition section (*element 208 in figure 10A*).

Catallo et al. fail to specifically disclose a control section that analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition section; and a storage section that previously stores a display format corresponding to a result of the analysis, wherein the control section reads the display format corresponding to the result of analysis from the storage section and changes a display format of a screen of display device on the basis of the read display format. However, Ryuji teaches a control section that analyzes a cause of incapability of recognition of the voice command when the voice command cannot be recognized by the voice recognition section (*abstract section*).



Since Catallo et al. and Ryuji are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Catallo et al. by incorporating the teaching of Ryuji in order to alert the user of the possible source that causes misrecognition or un-recognition of the input so that action can be taken improve speech recognition accuracy.

The modified Catallo et al. still fail to specifically disclose a storage section that previously stores a display format corresponding to a result of the analysis, wherein the control section reads the display format corresponding to the result of analysis from the storage section and changes a display format of a screen of display device on the basis of the read display format. However, Alshawi et al. further teach a storage section that previously stores a display format corresponding to a result of the analysis, wherein the control section reads the display format corresponding to the result of analysis from the storage section and changes a display format of a screen of display device on the basis of the read display format (*col. 5, lines 14-22*).

Since the modified Catallo et al. and Alshawi et al. are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Catallo et al. by incorporating the teaching of Alshawi et al. in order to provide good visual indication of un-recognition of the input speech.

13. Regarding claims 13-15, Catallo et al. fail to specifically that the display format is a display format of an icon displayed on the screen, wherein the display format of the

icon is a color of the icon displayed on the screen. However, Alshawi et al. further teach that the display format is a display format of an icon displayed on the screen, wherein the display format of the icon is a color of the icon displayed on the screen (*col. 5, lines 14-22, the icon include either default or customized color*).

Since the modified Catallo et al. and Alshawi et al. are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify Catallo et al. by incorporating the teaching of Alshawi et al. in order to provide good visual indication of un-recognition of the input speech.

14. Regarding claim 19, Catallo et al. further disclose the vehicle mounted control apparatus as claimed in claim 11 further comprising: an operation guide that displays a menu providing guidance on operation and guidance on selected operation if the determination section executes the operation guidance mode (*element 212 in figure 10A*).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zuberec et al. (US 6298324).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN X. VO whose telephone number is (571)272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Huyen X Vo/  
Primary Examiner, Art Unit 2626

6/17/2008

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